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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Ping Liu

Serial No.: 09/954,612

Filing Date: September 12, 2001

For: Mechanism for Wireless Modem
Power Control

Examiner: Chun Cao

Art Unit: 2115

Mail Stop Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
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I hereby certify that this paper is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450, on the date printed below:

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Michelle R. Crosby

REPLY BRIEF TO EXAMINER'S ANSWER

Dear Sir/Madam:

This Reply Brief is responsive to the Examiner's Answer mailed February 20, 2007, in the above-captioned application. Consideration of the following is respectfully urged.

The Examiner states on page 5 of his answer that, "Fuller teaches of powering off the PCMCIA card based on a removed signal (a signal is generated based on the position of an antenna), and that Johnson is only been a relied upon to teach a switch that activates or deactivates power supplied into the antenna according to the position of the antenna.

Therefore Johnson does not expressly teach away from powering off the antenna, particularly in the embodiment of four relying on for the teaching." (Examiner's Answer, Page 5, Lines 1-7). The Examiner does not even comment on the claim limitations and claims 9, 16, 25, which explicit recite that power is terminated to the peripheral device and the antenna when the antenna is retracted. Hodosh v. Block Drug Co., Inc., 786 F.2d 1136 (Fed. Cir. 1986) (the prior art references when combined must teach or suggest all the claim limitations).

In regards to point 2, in his response, the Examiner again makes the argument that Johnson discloses that a switch is configured to generate a signal based on the position of an antenna whether or not this to supply power to the antenna only. (Examiner's Answer, Page 5, Lines 17-19). Once again, the Examiner has not even addressed or commented on the claim limitations in claims 9, 16, and 25 which expressly recite that power is terminated to the peripheral device and the antenna when the antenna is retracted. The Examiner is therefore blatantly disregarding the claimed limitations which the applicant is focusing on in this appeal, and is picking and choosing selected portions of each reference to make his case of obviousness.

Once again, the test to a proper obviousness rejection is to determine whether there was sufficient motivation to one skilled in the art to combine or modify the prior art references. See Hodosh. Motivation is found from the prior art practices themselves. Id. In this case, Johnson explicitly describes that power can be supplied to the card even when the antenna is in a retracted position and that only power to the antenna itself is terminated when the antenna is retracted. (Johnson, Col. 4, Lines 6-10). Therefore Johnson expressly teaches away from the claim limitations as recited in claims 9, 16, and 25 which state that power is terminated to the card and the antenna when the antenna is in a retracted position. For at least

these reasons, claims 9, 16, and 25 are non-obvious and thus patentable over Fuller and Johnson, individually or in combination. Therefore, allowance of claims 9, 16, and 25 is respectfully requested.

If there are any further charges not accounted for herein, please charge them to our deposit account No. 50-1698.

Respectfully submitted,

Dated: 4/18/07

A handwritten signature in black ink, appearing to read 'S. Bhattacharya', written over a horizontal line.

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